Minority rights

SEE Affirmative action; Constitutional democracy; Civil rights; Equality under the Constitution; Liberty under the Constitution

Minton, Sherman

ASSOCIATE JUSTICE, 1949–56

- ☆ *Born: Oct. 20, 1890, Georgetown, Ind.*
- ☆ *Education: Indiana University, LL.B., 1925; Yale University, LL.M., 1927*
- ☆ *Previous government service: Indiana public counselor, 1933–34; U.S. senator from Indiana, 1935–41; administrative assistant to the President, 1941; federal judge, Seventh Circuit Court of Appeals, 1941–49*
- ☆ *Appointed by President Harry S. Truman Sept. 15, 1949; replaced Wiley B. Rutledge, who died*
- ☆ *Supreme Court term: confirmed by the Senate Oct. 4, 1949, by a 48–16 vote; retired Oct. 15, 1956*
- ☆ *Died: Apr. 9, 1965, New Albany, Ind.*

SHERMAN MINTON graduated from Indiana University, where he excelled as a scholar and a varsity athlete in football and basketball. After holding a minor position in the state government, he entered national politics in 1934, winning a seat in the U.S. Senate. A Democrat, he strongly supported the New Deal programs of President Franklin D. Roosevelt.

Justice Minton supported the authority of the executive and legislative branches to make policies without interference from the judiciary. So he tended to favor a broad interpretation of the constitutional powers of the federal government.

Minton's term on the Court was cut short by a severe case of anemia that caused physical weakness and exhaustion. This condition forced him to retire after only seven years of service. As a result, his impact on constitutional law was minimal. He tended to favor government regulations over the civil liberties and rights of individuals. Justice Minton was an avid supporter of national security objectives, which he expressed as the writer of the Court's opinion in *Adler* v. *Board of Education.* This ruling upheld a New York law that banned members of subversive organizations, such as the Communist party, from teaching in public schools.

FURTHER READING

Gugin, Linda C., and James E. St. Clair. *Sherman Minton: New Deal Senator, Cold War Justice.* Indianapolis: Indiana Historical Society, 1997.

Miranda v. Arizona

- ☆ *384 U.S. 436 (1966)*
- ☆ *Vote: 5–4*
- ☆ *For the Court: Warren*
- ☆ *Dissenting: Clark, Harlan, White, and Stewart*

IN 1963 Ernesto Miranda was arrested for kidnapping and attacking a young woman near Phoenix. The woman identified him at the police station and the police questioned him for two hours. No one told him that he had the right to refuse to answer questions or to see a lawyer. Miranda confessed. He was tried and convicted on the basis of his confession.

Miranda appealed his conviction to the U.S. Supreme Court. His lawyer claimed the police violated Miranda's 5th Amendment protection against self-incrimination. The 5th Amendment says, "No person... shall be compelled in any criminal case to be a witness against himself."

Arizona's lawyers argued that Miranda could have asked for a lawyer at any time during questioning. He had

not done so. They also said no one had forced him to confess. Because he had given his confession voluntarily, the prosecution could use it in court.

The Issue Does the 5th Amendment require the police to inform suspects of their right to remain silent and that anything they say can be held against them? Could the police use evidence obtained without such warnings in court?

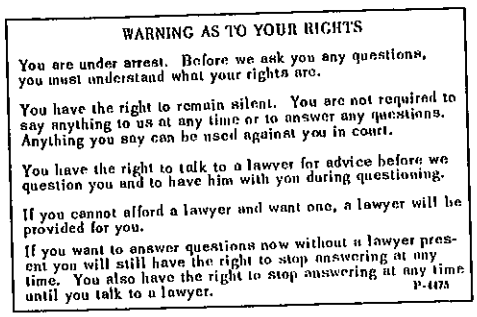
Opinion of the Court The Court struck down Miranda's conviction, ruling that the 5th Amendment requires police to inform suspects in their custody that they have the right to remain silent, that anything they say can be held against them, and that they have a right to consult a lawyer. The police must give these warnings, the Court said, before any questioning of a suspect can take place. A defendant can then voluntarily waive these rights.

The Court added that if a suspect wants to remain silent or to contact a lawyer, police interrogation must stop until the suspect is ready to talk again or a lawyer is present. The prosecution cannot use any confessions obtained in violation of this rule in court.

Chief Justice Earl Warren argued that the U.S. system of justice is based on the idea that an individual is innocent until proved guilty. The government, he claimed, must produce evidence against an accused person. It cannot resort to forcing suspects to prove themselves guilty.

Dissent In a strong dissent, Justice John Harlan argued: "It's obviously going to mean the disappearance of confessions as a legitimate tool of law enforcement." He concluded, "[T]he thrust of the new rule is to negate all pressures, to reinforce the nervous or ignorant suspect, and ultimately to discourage any confession at all."

Significance The *Miranda* decision was controversial. Many law enforcement officials complained the decision



WARNING AS TO YOUR RIGHTS

You are under arrest. Before we ask you any questions, you must understand what your rights are.

You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be provided for you.

If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

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Police officers must read the Miranda warning to all suspects to notify them of their constitutional rights.

"handcuffed the police." However, in 1986, in *Moran* v. *Burbine*, the Court referred to the *Miranda* case as a decision that "embodies a carefully crafted balance designed to fully protect both the defendant's and society's interests."

Ever since the *Miranda* decision, police have carried cards that they use to read suspects their rights. This message has become known as the Miranda warnings, which consist of four points: the right to remain silent, the reminder that anything said by the suspect can be used against him, the right to a lawyer, and the reminder that a lawyer will be provided free if the suspect cannot afford to hire one.

The Court reaffirmed, by a 7-to-2 vote, the Miranda rights of suspects in *Dickerson* v. *United States* (2000). At issue was a 1968 federal law that held it was not always necessary to read Miranda warnings to suspects before they confessed voluntarily to crimes. In striking down this statute, Chief Justice William Rehnquist, in his opinion for the Court, said, "Miranda has become embedded in routine police practice to the point where the warnings have become part of our national culture." The police must continue to give the Miranda warnings or risk having a suspect's confession excluded as evidence against him.

SEE ALSO

Counsel, right to; Rights of the accused

FURTHER READING

Baker, Liva. *Miranda: Crime, Law and Politics*. New York: Atheneum, 1983.